

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 16, 2002. Claims 1 and 9 have been cancelled without prejudice, original Claims 3, 6, 8, 10, 13-19, and previously amended Claims 2, 4-5, 7, and 11-12 have been amended.

In the Office Action, Claims 7-9 and 11 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 2-4, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by ROBERTS (US 4,143,411). Claims 2-10 and 12-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by CHEN (US 4,812,956). Applicant respectfully traverses the rejection, and submits that all pending claims are clearly patentable over the cited prior art in view of the following arguments.

The present invention relates to a flexible lighting device including a flexible lighting element, which includes a plurality of tiny light bulbs coupled to conducting wires and molded in a plastic rope, and an adjustable shape-retaining element coupled to the flexible lighting element. It is a particular feature of the present invention that the flexible lighting device has a shape selectable at will, which is changeably retained by the adjustable shape-retaining element. In other words, the lighting device of the invention can be shaped as desired, and retains that shape until it is desired to change it again. At that time, the shape of the lighting

device is again changed and retained by the adjustable shape-retaining element until the next time it is changed.

According to a preferred embodiment of the invention, the shape-retaining element is integrally formed with the flexible lighting element. In particular, the shape-retaining element can be molded into the plastic rope to form an integral part of the flexible lighting element.

Applicant respectfully submits that the prior art cited by the Examiner and that which is known to Applicant fails to disclose or suggest the features of the pending claims. Lighting elements comprising a plurality of small bulbs coupled to conducting wires which are molded in flexible plastic ropes are generally well known in the art under the name "rope light". Such a rope light are used as a lighting decoration by securing it to a pre-selected stable support configured in a desired shape, as it is unable to maintain a desired shape by itself. Once the rope light is affixed, the shape of the lighting decoration cannot be changed by a user at will. Rather, the rope light must be removed from the stable support, and affixed to a new stable support in the new desired shape.

35 U.S.C. § 112 Rejections

The Examiner has rejected original claims 7-9 and 11 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claim 7 is indefinite with regard to elements recited in claim 2, and claims 8 and 11 are indefinite as depending on an indefinite claim 7.

Claim 7 is amended to indicate that the recited flexible lighting element is the same as that recited in claim 2, and also to indicate more clearly that the recited adjustable shape-retaining element is incorporated in the covering for coupling to the lighting element.

Claim 9 has been cancelled.

In light of the above amendments, it is respectfully submitted that claims 7, 8, and 11 as amended particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

35 U.S.C. § 102(b) Rejections (ROBERTS and CHEN)

Claims 2-4, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by ROBERTS (US 4,143,411). ROBERTS is directed to an architectural lighting apparatus wherein a linear light source of any selected length may be utilized in conjunction with a retaining structure formed of aluminum or plastic which can be permanently placed in a desired attitude within a selected planar structure or the like (Col. 1, lines 27-32; col. 3, line 38-40). In other words, ROBERTS uses a rope light in an architectural lighting apparatus by affixing it to a stable support, such as steps, and edifice or a landscape structure. For example, when a step in a stairway structure is formed, the light source retaining structure is placed in position and tacked or taped securely to underlying mold structures prior to pouring of the cementitious material (numeral 76 in Fig 6; col. 4, lines 2-5). The retention flanges of the retaining structure will aid to securely (and permanently)

retain the retaining structures within the step cementitious material (Fig. 5; col. 4, lines 7-10).

As will be clearly understood from this process, ROBERTS neither teaches nor suggests the use of a shape-retaining element. In fact, ROBERTS is not concerned with retaining the shape of the lighting apparatus by means of the disclosed retaining structure, but only with holding (retaining) the light source. In fact, the lighting element may be retained within the retaining structure by means of clear epoxy sealant (col. 3, lines 60-63). Thus, ROBERTS does not contemplate integrally forming the light source with any retaining structure.

Furthermore, ROBERTS neither teaches nor suggests that the retaining structure is adjustable, but rather that the retaining structure is permanently cast in concrete (Figs. 6 and 7; col. 4, lines 8-9). Thus, ROBERTS fails to teach or suggest key limitations recited in the pending independent claims of the present invention.

In sharp contrast with the ROBERTS lighting apparatus the present invention recognizes that, in the context of lighting devices, a rope light when coupled to a shape-retaining element which can be adjusted can be utilized to permit a user to shape a lighting device at his or her will, which shape is retained. It will be appreciated that owing to the flexibility of the lighting element and the adjustable nature of the shape-retaining element which is integrally coupled to the lighting element, as recited in the pending claims, this structure of the lighting device inherently includes the capability of changing its shape whenever desired, and retaining that shape, as opposed to the prior art use of rope light, which requires

affixing it securely, and sometimes permanently, to rigid pre-selected supports of various shapes.

While continuing to traverse the Examiner's rejections, Applicant has, in order to expedite the prosecution, chosen to amend independent claims 2, 11, 12 and 18 in order to clarify and emphasize the crucial distinctions between the present invention and the apparatus disclosed by the ROBERTS patent cited by the Examiner. Specifically, independent claims 2, 11, 12 and 18 have been amended to indicate that the flexible lighting device has a shape which is selectable at will, and which is changeably retained by the adjustable shape-retaining element, coupled to the flexible lighting element. Support for this amendment can be found in the Specification as filed, for example on page 4, lines 16-17, and page 5, lines 2-4.

The remaining cited references fail to remedy the deficiencies of ROBERTS as a reference against the pending claims because none of these other references are related to shaping of a lighting device at will and retaining the new shape without the need to attach it to exterior rigidly configured supports.

Claims 2-10 and 12-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by CHEN (US 4,812,956).

CHEN is directed to a flexible lamp-string device, comprising at least one lamp-string set, a mounting band bored with at least one semi-circular groove for mounting at least one lamp-string set, an appropriate amount of conducting wires, and a PVC tube (fig. 1; col. 2, lines 6-10). CHEN specifically teaches that the conducting wires connect to the lamp-string set to provide current conduction (Col.

2, lines 16-19). There is no teaching or suggestion in the patent to CHEN of the addition of a shape-retaining element to permit changeably retaining the shape of a flexible lamp-string device, since CHEN is not concerned with retaining the shape of the lamp-string device.

According to the present invention, on the other hand, the flexible lighting device includes a plurality of tiny bulbs coupled to conducting wires and molded in a plastic rope, and an adjustable shape-retaining element. The shape-retaining element is not connected to the light bulbs, and generally need not be made of conducting material. Thus, the Applicant respectfully submits that there is a structural difference which patentably distinguishes the claimed invention from the lamp-string device disclosed by CHEN.

Allowable Subject Matter

The Examiner has indicated that claim 11 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Claim 11 is amended accordingly.

In view of the foregoing amendments and remarks, Applicant respectfully submits that independent claims 2, 11, 12 and 18, and hence dependent claims 3-8, 10, 13-17, and 19, are clearly patentable over the cited prior art. Also, this Amendment does not raise new issues, but rather clarifies certain features of the claims. Therefore, Applicant believes this Amendment responds to all of the points raised in the Office Action and that the application, with pending claims 2-8, and

10-19, are now in condition for allowance. Prompt issuance of an action to that effect is respectfully solicited.

Should the Examiner be of the opinion that outstanding issues remain, it is requested that Applicant is called to discuss it.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ariana Blum". The signature is written in dark ink and is positioned above a horizontal line.

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